



# North Carolina General Assembly Legislative Ethics Committee

## PUBLISHED EDITED ADVISORY OPINION OF THE LEGISLATIVE ETHICS COMMITTEE

A0-E-09-0002

### Legislator Bidding on State Construction Contracts – G.S. 138A-31(a), G.S. 138A-37(a), G.S. 138A-32(a)

Approved by the Legislative Ethics Committee May 21, 2009

#### **Question:**

May a construction company owned by a legislator bid on construction contracts to build State facilities?

#### **Opinion:**

Yes.

G.S. 138A-31(a) restricts a legislator from taking official or legislative action that would provide certain "financial benefits" to the legislator, a member of the legislator's extended family, or a business with which the legislator is associated.

G.S. 138A-37(a) similarly prohibits a legislator from taking legislative action which would provide a "reasonably foreseeable" financial benefit to the legislator or a "person with which associated." G.S. 138A-31(b) restricts a legislator's use of his or her title in connection with nongovernmental advertising, with certain exceptions that are not applicable here.

G.S. 138A-32(a) prohibits a legislator from soliciting or receiving anything of value in return for being influenced in his or her official responsibilities.

In the event the construction company owned by the legislator wins any of the construction contracts sought, the legislator would need to consider recusing himself or herself from consideration of the construction contracts in accordance with the standards set forth in G.S. 138A-31(a) and 138A-37(a) in the event those contracts or projects come before the legislator in his or her official or legislative capacity.